The opinion in support of the decision being entered today was <u>not</u> written for publication and is <u>not</u> binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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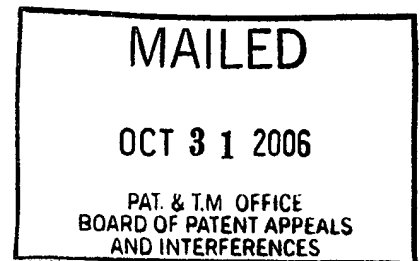<u>Ex parte</u> DANIEL O. RAMOS, KEVIN C. JONES and GEOFFREY B. RHOADS

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Appeal No. 2006-1345
Application No. 09/636,102

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ON BRIEF[1]

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MAILED

OCT 3 1 2006

PAT. & T.M OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Before THOMAS, JERRY SMITH, and RUGGIERO, <u>Administrative Patent Judges</u>.

THOMAS, <u>Administrative Patent Judge</u>.

ON REQUEST FOR REHEARING

In an electronic paper filed on July 31, 2006, appellants request that we

reconsider our decision dated May 31, 2006, affirming the rejection of claims 2, 5

through 7, 9 and 14 through 20 under 35 U.S.C. § 102, and a separate rejection of

claims 11 through 13 under 35 U.S.C. § 103.

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1 The above-noted panel only recently received this Request for Rehearing for decision.

In response to the initial concerns raised in the Request for Rehearing, because Houser plainly teaches the use of watermarks, we stated at page 3 of our original decision that this term in Houser appears to be consistent with its associated art usage and appellants' discussion of it at pages 1 and 2 of the specification as filed. We also indicated there that the term is only recited directly in independent claims 2, 9 and 10 on appeal and we also note here that it was also identically recited in dependent claims 12, 15 and 20. All of the other claims on appeal do not recite directly a watermark. The claimed watermark does not have to be imperceptible.

In considering appellants' remarks with respect to this term, we find no inconsistencies. The examiner additionally regarded Houser's teaching of embedding his security object as indicating to the artisan an additional type of watermark because it is embedded in an underlying document or image, etc. Because both terms are defined in the same document, it is clear to us that the artisan would have seen the correlation of the teaching value of both terms/concepts to the claimed watermark in the present claims on appeal. Note as well the showing in figure 5 of Houser and the teachings related to it beginning at the bottom of column 11.

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Independent claims 5, 7, 11, 14 and 19 as well as the respective dependent

claims 6, 13, 16, 17 and 18 do not recite per se a watermark but use the term "object

identifier." In some respect this appears to be another way of claiming a watermark

in a more broader sense. We attempted to make clear in our earlier decision the

analogous situation to the claimed watermark as well as the teaching value of

Houser's embedded security object to both claims that recite a watermark per se as

well as those that relate to the claimed "object identifier." Any generally regarded

definition of watermark in the art or the specification as filed does not limit the

correlation to the claims relating to an object identifier.

Based upon our study of Houser, we do not agree with appellants' urgings

that the watermark of this reference and the additional teachings of embedding a

security object in an underlying document have any different meaning in the art or

appellants' definitional meaning ascribed to the term at pages 1 and 2 of the

specification as filed. It appears to us, and we believe to the artisan, that

watermarks are embedded per se in an underlying document, and clearly Houser's

security object is stated to be embedded into a document or image or the like such

that it alters or modifies in some manner actual host media signals associated with

the respective media element as perhaps defined at specification pages 1 and 2. At

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a minimum, Houser's watermarks and embedded security objects modify or

otherwise alter for display purposes associated media signals. It goes without

saying that in Houser the watermark and/or embedded security object may be

chosen by the user or not chosen by the user to be embedded or otherwise alter

media signals. Thus, the user's graphic may be present or not present such as to be

considered to alter or not alter in an embedded fashion an underlying document or

image information. In some respects then, the artisan clearly would have regarded

the embedding of a watermark and/or security object in an underlying media object

as an extension of the document itself, the concept of which relates directly to the

claimed filed browser extensions in many of the claims on appeal.

Because Houser's electronic document security application 120 in Figure 1

operates with or within traditional operating systems as discussed initially at

column 7, lines 15 through 28, and again at the bottom of column 8 and the middle

of column 10, the artisan would have well appreciated Houser's electronic

document security application 120 operating within a given operating system as an

extension thereof. The noted operating systems were well known to have

conventional data file structures and program extensions thereof and conventional

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"browser" software/hardware elements to store and otherwise retrieve data from or to memory.

Many figures in Houser show user interfaces/displays/dialog boxes associated with invoking the electronic document security application 120 in Figure 1. Our prior decision explains how Houser alone in addition to Huntsman further extended the teachings to internet browsers and their associated servers to write/retrieve data to/from local/remote storage. Clearly, the claimed file browser per se as well as the file browser extension recitations of many of the claims on appeal have different levels of correlation to the teachings in Houser.

The discussion of OLE (object linking and embedding) in the previous decision as taught in Houser was considered one manner of extendibility in that reference. Compare the discussion at the middle of column 10 with the discussion of figure 5 beginning at the bottom of column 11.

As set forth in the abstract of Houser, the embedded security object includes security information and an identifier for invoking the processing of security information. This security information includes a document digest, a signature digest and a signator's electronic chop, which may be a digitized signature or other graphic image. Adding to a further level of embedding or an additional manner of

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altering or modifying underlying host media signals, the patent to Houser teaches

the ability to also formally encrypt/decrypt the related security information.

Thus, it appears to us that the artisan may well consider this additional capability of

encrypting and decrypting information as an additional manner of extending a file

browser or software/hardware oriented data file storage and retrieving capability,

and altering modifying a form of presentation of an underlying document or image

representation.

We treated each claim on appeal in our decision in some manner and often in

more than one location except for specific reference to claim 6 and claim 20, where

the extraction capability in dependent claim 6 analogizes to the decoding functions

in claim 20 (which have identical recitations as in treated dependent claims 12 and

15).

Some claims recite the concept of metadata which, in the art, merely means

data about data in the data processing arts. In this appeal the term is correlated at

specification page 19, line 20 to data about media objects which is plainly inclusive

of those in Houser. From the data structures set forth in detail and the manner in

which they operate together in Houser, they are processed by the various structural

elements shown in figures 1, 2, 6 and 8 to include various kinds of "servers" which process them for display and encoding/decoding purposes.

To expedite and clarify our consideration of the issues in the prior decision, we correlated specific teachings of Houser to identified claims. We have expanded upon this correlation here in response to the Request for Rehearing. In both cases we were mindful that essentially the same features were recited in different claims. Thus, we considered the same arguments repeated from different claims in a common manner.
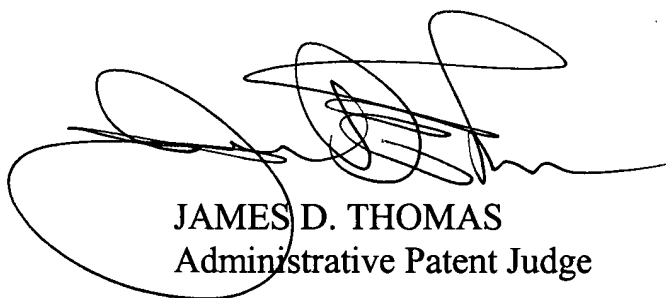
Finally, we remain of the view expressed at page 7 of our prior decision that appellants' at page 9 of the principal brief on appeal did not present any arguments that the reference to Houser and Huntsman were not properly combinable within 35 U.S.C. § 103. We simply do not agree with appellants' broad assertion at page 9 of the Request for Rehearing that they did so. Because Houser already teaches the capability of extending his invention's teachings to an internet-based environment, Huntsman formally embellishes upon this ability in a more complete manner.

In view of the foregoing, appellants' Request for Rehearing is granted to the extent that we have in fact reviewed our findings but is denied as to making any changes therein.
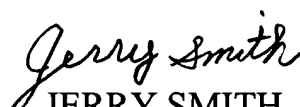
No time period for taking any subsequent action in connection with this

appeal may be extended under 37 CFR §1.136(a). See 37 CFR § 1.136(a)(1)(iv).

DENIED

JAMES D. THOMAS)
Administrative Patent Judge)
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) BOARD OF PATENT
JERRY SMITH) APPEALS
Administrative Patent Judge)   AND
) INTERFERENCES
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JOSEPH F. RUGGIERO)
Administrative Patent Judge)

JDT/pgc

Appeal No. 2006-1345
Application No. 09/636,102

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